REMARKS

Applicants have carefully reviewed and considered the Final Office Action (hereafter "Office Action") mailed on December 19, 2007 and the references cited therewith.

Applicants have amended claims 1, 8 and 9. Applicants have not added or canceled any claims. Applicants previously canceled claims 14-20. Accordingly, claims 1-13 remain pending in the application, of which claims 1 and 8 are independent.

In the response filed on October 25, 2007, Applicants included amendments to claim 8 in marked up form. However, claim 8 was inadvertently designated as "Previously Presented" instead of "Currently Amended" in that response. Therefore, Applicants have again included the markups from the October 25, 2007 in the above amendments along with the additional amendments being made in this Preliminary Amendment.

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Filing Date: June 12, 2000
Title: CONTEXT SWITCH ARCHITECTURE AND SYSTEM

Oath/Declaration

An ADS was submitted along with Applicants' October 25, 2007 response. Applicants noted, in that previous response, that the ADS was being submitted to cure defects in the declaration that were noted in the July 25, 2007 Non-final OA and to provide the mailing address of each inventor. As is normal practice, it was Applicants' intent that the biographical information in the ADS would supersede the information in the originally filed declaration. In the Final Office Action, the declaration was again objected to due to a difference in the city for Sherman Lee between the declaration and the ADS. It was indicated in the Office Action that Applicant should clearly state that the ADS is correct or submit a new ADS. Applicants now submit that the biographical information in the ADS submitted with their prior response is correct and should be used in place of the biographical information included in the declaration. Therefore, Applicants respectfully request that the objection to the declaration be withdrawn.

Claim Rejections – 35 U.S.C. § 102

In the Office Action, claims 1 and 7-13 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent 5,613,114 to Anderson et al. (hereafter "Anderson"). This rejection is respectfully traversed.

Claim 1, as amended, recites:

> A method of performing a context switch operation, the method comprising:
> setting an index register on an address portion of a state machine in a peripheral system to a first index value by a host computer, the first index value indicating a first register to be accessed;
> accessing context data in the first register of the peripheral system based upon the first index value;
> setting the index register to a second index value by the host computer, the second index value indicating a second register to be accessed; and
> accessing context data in the second register of the peripheral system when the index register is set to the second index value, wherein the first and second registers are collocated with the peripheral system,
> wherein setting the index register to the first index value, accessing the context data in the first register, setting the index register to the second index value and accessing context data in the second register are performed in accordance with a state transition diagram.

While Applicants do not specifically concede the assertions made in the Final Office Action made with respect to Anderson in rejecting claim 1, in order to further prosecution, Applicants have amended claim 1. Specifically, Applicants have amended claim 1 to recite that "setting the index register to the first index value, accessing the context data in the first register, setting the index register to the second index value and accessing context data in the second register are performed in accordance with a state transition diagram." Support for this amendment may be found, for example, in FIG. 10 of the application.

It is well settled that in order to establish anticipation of a claim, each and every element of the rejected claim must be disclosed in a single prior art document. Applicants respectfully submit that claim 1 is not anticipated by Anderson, as Anderson does not disclose each and every element of claim 1.

For instance, claim 1 is directed to a method of performing a context switch operation that includes "setting an index register on an address portion of a state machine." As noted above, claim 1 now recites that "setting the index register to the first index value, accessing the

context data in the first register, setting the index register to the second index value and accessing context data in the second register are performed in accordance with a state transition diagram." Anderson does not disclose or describe at least this aspect of claim 1.

In Anderson, a custom context switching thread management unit 62 is used to execute custom context switching routines that are stored in a memory 20. *See* Anderson, column 5, lines 1-10. In Anderson, an interrupt based approach is used for context switching. Specifically, context switching in Anderson is done based on registration requests, not based on a state transition diagram. *See* Anderson, column 7, lines 27-50. Anderson does not disclose, describe or even mention the use of a state transition diagram.

Applicants respectfully submit that claim 1 is not anticipated by Anderson for at least the reasons discussed above. Therefore, Applicants request that the rejection of claim 1 be withdrawn.

Without addressing the remarks in the Office Action made with respect to claim 7, which are not conceded, Applicants note that claim 7 depends from claim 1 and includes all of its limitations. Therefore, by virtue of claim dependency, Anderson does not anticipate claim 7 on the same basis as discussed above with respect to claim 1, and Applicants respectfully request that the rejection be withdrawn.

Claim 8 is directed to a system that may be used to implement methods for context switching, such as the method recited in claim 1. Without addressing the remarks in the Office Action made with respect to claim 8, which are not conceded, Applicants note that claim 8 includes limitations that correspond with the limitations of claim 1 discussed above. Accordingly, claim 8 is not anticipated by Anderson on the same basis as claim 1, and Applicants respectfully request that rejection be withdrawn.

Without addressing the remarks in the Office Action made with respect to claims 9-13, which are not conceded, Applicants note that claims 9-13 depend from claim 8 and include all of its limitations and the limitations of any intervening claims. Therefore, by virtue of claim dependency, claims 9-13 are not anticipated by Anderson on the same basis as discussed above with respect to claim 8, and Applicants respectfully request that the rejection be withdrawn.

In the Office Action, claims 8-13 were also rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent 6,292,851 to Takeda. Applicants respectfully traverse this rejection.

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Without addressing the remarks made in the Office Action with respect to claim 8, which are not specifically conceded, Applicants note that claim 8 has been amended, in like fashion with claim 1, to recite that "the register access circuit accesses context data in the first and second registers in accordance with a state transition diagram." Applicants respectfully submit that Takeda does not disclose or describe such an approach and, therefore, cannot anticipate claim 8. Therefore, the rejection of claim 8 should be withdrawn.

Without addressing the remarks in the Office Action made with respect to claims 9-13, which are not conceded, Applicants note that claims 9-13 depend from claim 8 and include all of its limitations and the limitations of any intervening claims. Therefore, by virtue of claim dependency, claims 9-13 are not anticipated by Takeda on the same basis as discussed above with respect to claim 8, and Applicants respectfully request that the rejection be withdrawn.

Claim Rejections - 35 U.S.C. § 103

In the Office Action, claims 2-6 were rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson. Applicants note that claims 2-6 depend from claim 1 and include all of its limitations.

It is well settled that in order to establish a *prima facie* case of obviousness it must the show that each and every element of the rejected claims is disclosed or described in the cited documents. As discussed above with respect to claim 1, Anderson does not disclose, describe or render obvious that "setting the index register to the first index value, accessing the context data in the first register, setting the index register to the second index value and accessing context data in the second register are performed in accordance with a state transition diagram," as recited in claim 1. Accordingly, claim 1 is not obvious over Anderson and, by virtue of claim dependency, claims 2-6 are also not obvious over Anderson.

Double Patenting Rejection

In the Office Action, claims 1-13 were provisionally rejected on the grounds of nonstatutory obviousness-type double patenting, as being unpatentable over claims 1, 4-5 of copending application No. 11/314,036 in view of Maupin.

Respectfully, a terminal disclaimer will be filed in the later-allowed of the 11/314,036 application and the present application.
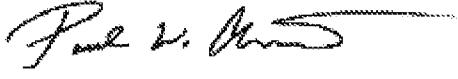
Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (360-930-3533) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 50-3521.

Respectfully submitted,

Brake Hughes Bellermann LLP
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360-930-3533

Date   March 19, 2008   By: _____
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